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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Grace Albanese,
Plaintiff

v.

Las Vegas Metropolitan Police Department,
Defendant

2:17-cv-01520-JAD-CWH

Order Dismissing Case

On January 8, 2018, I gave plaintiff Grace Albanese until February 8, 2018, to file a completed application to proceed in forma pauperis.¹ I cautioned Albanese that if she failed “to comply with this court-ordered deadline, this action [would] be **dismissed with prejudice** without further prior notice.”² Albanese did not file an IFP application; in fact, she’s filed nothing since my order nine months ago.

District courts have the inherent power to control their dockets and, “[i]n the exercise of that power, they may impose sanctions including, where appropriate . . . dismissal” of a case.³ A court may dismiss an action based on a party’s failure to prosecute an action, failure to obey a court order, or failure to comply with local rules.⁴ In determining whether to dismiss an action on one of these grounds, the court must consider: (1) the public’s interest in expeditious

¹ ECF No. 8.

² *Id.* (emphasis original).

³ *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986).


⁴ *See Ghazali v. Moran*, 46 F.3d 52, 53–54 (9th Cir. 1995) (dismissal for noncompliance with local rule); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260–61 (9th Cir. 1992) (dismissal for failure to comply with an order requiring amendment of complaint); *Carey v. King*, 856 F.2d 1439, 1440–41 (9th Cir. 1988) (dismissal for failure to comply with local rule requiring *pro se* plaintiffs to keep court apprised of address); *Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with court order); *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for lack of prosecution and failure to comply with local rules).

1 resolution of litigation; (2) the court's need to manage its docket; (3) the risk of prejudice to the
2 defendants; (4) the public policy favoring disposition of cases on their merits; and (5) the
3 availability of less drastic alternatives.⁵

4 The first two factors, the public's interest in expeditiously resolving this litigation and the
5 court's interest in managing its docket, weigh in favor of dismissing this case. The third factor,
6 risk of prejudice to defendants, also weighs in favor of dismissal because a presumption of injury
7 arises from the occurrence of unreasonable delay in filing a pleading ordered by the court or
8 prosecuting an action.⁶ A court's warning to a party that its failure to obey the court's order will
9 result in dismissal satisfies the fifth factor's "consideration of alternatives" requirement.⁷ That
10 warning was given here.⁸ The fourth factor—the public policy favoring disposition of cases on
11 their merits—is greatly outweighed by the factors favoring dismissal.

12 Accordingly, IT IS HEREBY ORDERED that THIS ACTION IS DISMISSED with
13 prejudice. The Clerk of Court is directed to CLOSE THIS CASE.

14 Dated: October 15, 2018

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16 U.S. District Judge Jennifer A. Dorsey
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21 ⁵ *Thompson*, 782 F.2d at 831; *Henderson*, 779 F.2d at 1423–24; *Malone*, 833 F.2d at 130;
22 *Ferdik*, 963 F.2d at 1260–61; *Ghazali*, 46 F.3d at 53.

23 ⁶ See *Anderson v. Air West*, 542 F.2d 522, 524 (9th Cir. 1976).

⁷ *Ferdik*, 963 F.2d at 1262; *Malone*, 833 F.2d at 132–33; *Henderson*, 779 F.2d at 1424.

⁸ ECF No. 8.